

**FILED**

FEB 26 2008

CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *RR* DEPUTYUNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

*Francisco  
Esparza Gutierrez*

Defendant.

Criminal No. *08cr416-LAB*CONSENT TO RULE 11 PLEA TO A  
VIOLATION OF 8 U.S.C. SECTION  
1326 (a) and (b) IN A FELONY  
CASE BEFORE UNITED STATES  
MAGISTRATE JUDGE, WAIVER OF  
PRESENTENCE REPORT AND WAIVER  
OF OBJECTIONS FOR IMMEDIATE  
SENTENCING


I have been advised by my attorney and by the United States Magistrate Judge of my right to enter my plea in this case before a United States District Judge. I hereby declare my intention to enter a plea of guilty in the above case, and I request and consent to have my plea taken by a United States Magistrate Judge pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

I understand that if my plea of guilty is taken by the United States Magistrate Judge, and the Magistrate Judge recommends that the plea be accepted, the assigned United States District Judge will then decide whether to accept or reject any plea agreement I may have with the United States and will adjudicate guilt and impose sentence.

I further understand that due to my request for immediate

1 sentencing in this case, I am waiving the preparation of a  
2 presentence report and I am also waiving any objections I may  
3 have to the Magistrate Judge's findings and recommendation  
4 concerning the entry of my guilty plea.

5  
6  
7 Dated: 2-21-2008



8 Defendant

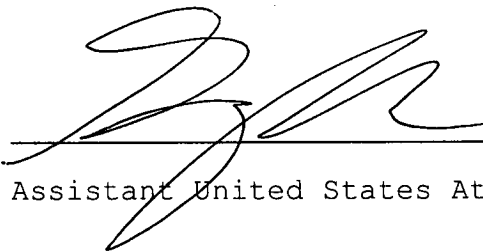
9  
10  
11 Dated: 2-21-2008



12 Attorney for Defendant

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14 The United States Attorney consents to have the plea in this  
15 case taken by a United States Magistrate Judge pursuant to  
16 Criminal Local Rule 11.2 and further waives a presentence report  
17 in this case as well as any objections to the Magistrate Judge's  
18 findings and recommendation concerning the entry of the guilty  
19 plea.

20  
21  
22 Dated: 2/26/08



23 Assistant United States Attorney  
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